

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL W. CLARK, et al.,

Plaintiffs,

v.

THOR MOTOR COACH, INC., et al.,

Defendants.

Case No. 1:22-cv-00014-JLT-SAB

ORDER DISCHARGING ORDER TO FILE
REQUEST FOR ENTRY OF DEFAULT OR
A NOTICE OF STATUS OF ACTION RE:
DEFENDANT FORD MOTOR COMPANY

(ECF Nos. 14, 15, 17)

On March 30, 2022, Plaintiffs and Defendants Thor Motor Coach, Inc., Barry's RV Outlet, and U.S. Bank, N.A. filed what was titled a "notice of voluntary dismissal of counts 6 & 8 from complaint without prejudice [under Federal Rule of Civil Procedure 41(a)]," (ECF No. 14 (capitalization altered)), which the Court construed as a stipulated request to amend pursuant to Rule 15, and granted (ECF No. 17). In granting the stipulated request, the Court noted the stipulation was proper, despite the lack of signature of Defendant Ford Motor Company, because Ford Motor Company had not yet appeared in the action. Furthermore, in granting the stipulated request, the Court ordered Plaintiff to either request entry of default against Ford Motor Company or submit a notice regarding the status of the action.

An independent review of the docket reveals that, after issuance of the Court's March 31, 2021 order but prior to its docketing, and prior to any entry of default, Defendant Ford Motor Company filed an answer to the complaint. (ECF No. 15.) Accordingly, the Court shall relieve

1 Plaintiff of the requirement to either request entry of default or submit a status report.
2 Furthermore, because the Court issued its ruling on the stipulated request to amend prior to Ford
3 Motor Company's (late) appearance in this matter, the Court finds the stipulation was properly
4 granted and the matter shall continue to proceed on Plaintiff's complaint, as amended on March
5 31, 2022.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff is RELIEVED of the Court's March 31, 2022 order directing him to
8 either request entry of default or submit a status report regarding Defendant Ford
9 Motor Company (ECF No. 17); and
- 10 2. This action shall proceed on Plaintiff's complaint, as amended on March 31, 2022
11 (ECF No. 17).

12 IT IS SO ORDERED.

13 Dated: April 4, 2022

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UNITED STATES MAGISTRATE JUDGE